GAYNOR AND GREENE GO FREE

QUEBEC JUDGE DECLINES TO

Warrant Alleges No Extraditable Offence - Washington Authorities Will Not Give Up the Effort to Bring the Men Here for Triat - Other Ways Are Open.

motion made on behalf of the United States Government for the dismissal of the writs of habeas corpus in the case of John F. Gaynor and Benjamin D. Greene.

The prisoners, according to the judgment, are now out of the hands of the extradition commissioners. New proceedings will therefore have to be taken.

The decision nullifies the effort which was made to get Gaynor and Greene before a court at Montreal instead of at Quebec. The writs sustained by to-day's decision were issued while Gaynor and Greene were prisoners in Montreal, just after their sensational arrest and transportation by tug from Quebec, and resulted in their return here, where they have since, at their own request, been kept in jail.

There was a large attendance of lawyers and others. Gaynor and Greene came into court with the Hon. Charles Langelier, the Sheriff. Judge Caron ascended the bench at 10:30, and immediately commenced the reading of the very lengthy notes pre-

ceding his judgment.

With regard to the attacks made upon himself, he was sure that the American Government authorities and their agents

Government authorities and their agents could have had no hand in them.

The court summed up the case, in concluding the judgment, as follows:

"Considering that the warrant in virtue of which the petitioners are detained contains no date of the commission of the offence whereof the petitioners are accused; considering that, in virtue of the treaties of extradition existing between Great Britain and the United States, it is positively provided that these treaties positively provided that these treaties shall have no retroactive effect for offences committed before their passage; considering that the allegation of the date of sidering that the allegation of the date of the commission of the offence is in conse-quence essential to give jurisdiction to the Commissioner to issue a warrant of arrest; considering, furthermore, that it is not alleged in the warrant that the offence for which the said warrant has been issued is one of criminal the offence for which the said warrant has been issued is one of criminal participation, punishable by the laws of both countries, which is a condition required by the last paragraph of the first article of the treaty of 1890, considering that the information, indictments and true bills and all documents produced for the issue of the warrant show that the offences o which they would have to stand their trials in the United States should extradition be granted, are not within the terms of the treaties of extradition between Great Britain and the United States and disclose no offence committed by the prisoners for which they could be extradited under the which they could be extractled under the said treaties, considering, in consequence, that the warrant of arrest issued by the said Ulric Lafontaine in his above stated capacity is null and illegal and could not warrant the arrest of the petitioners, the Court rejects the said motion of the United States as intervening party to quash the said writs of habeas corpus addressed by me on the 12th of June last to the said C. A. Vallee, doth declare the arrest and detention of the said petitioners illegal and doth tion of the said petitioners illegal and doth annul and set aside the said warrant of arrest. It is ordered that petitioners be liberated and discharged from custody of C. A. Vallee, jailer of Montreal, and of the Hon. Charles Langelier, Sheriff of Quebec, who has present custody of them, and this order will be the warrant of the said C. A. Vallee and of the Hon. Charles Langelier for the complete and immediate release of or the complete and immediate release of The prisoners were accordingly released

and received the congratulations of their friends, and the court adjourned. The judgment was rendered in the French

language.
Counsel for the United States Govern-Counsel for the United statement had a conference this afternoon, but announced that they had arrived at decision as to future action. They will take time to consider the matter. They think it strange, however, that two Judges of the same court should decide so differ of the same court should decide so differently on the same subject as to permit crime to pass unpunished. It is probable that nothing will be done for a few days and in the meantime fresh instructions may be received from the State Depart-Attorney-General's Depart-Washington. Mr. Erwin will

remain for some time WASHINGTON, Aug. 13.-Acting Attorney-General Beck to-night received a telegram from Marion Erwin, the Special Assistant ttorney-General in charge of the projectings against Greene and Gaynor

Montreal, but declined to make public the information it contained. There was much discussion in official circles to-day concerning the next step the Government will take in its determined efforts to secure custody of Greene and Gaynor and bring them to the United States for trial. There are still several ways left untried, any of which may prove satis-

It will be possible, it is thought, to secure a fresh indetment on a technical extra-ditable offence, which, it is believed, will meet Judge Caron's objections to authoriz-ing the removal of Greene and Gaynor to the United States under the present docu-ment. As has been pointed out, Canada has the power to overlook the fact that the offence for which Greene and Gaynor were indicted—conspiracy to defraud in Government contracts at Savannah, Ga.-has traditable and, without considering the existing treaty, turn the fugitives over of this Government, and as an act of couresy and friendship, the two men in ques tion not being Canadians and the Dom Government not being bound to protect

them.

Then it is possible that the removal of Greene and Gaynor to the United States might be made possible by remedial legislation, which, in consideration of the fact that the offence for which the fugitives are wanted was a crime under the statutes of both countries at the time of its committal, would not operate as ex post facto legisla-tion. This remedial legislation, if enacted, would, of course, take the form of a new extradition treaty containing a provision which would make possible the extradition of Greene and Gaynor under the counts

of Greene and Gaynor under the counts contained in the present indictment.

An example of the enactment of an extradition treaty to cover a special case is had in the case of Benjamin F. Neely, the embezzler of Cuban postal funds. In this case Congress enacted an extradition treaty with Cuba in order that Neely might ved from the United States to the

It is generally understood that the officials of the Department of Justice will accept the setback contained in Judge Caron's decision as philosophically as possible but will press the matter of the extradition of Greene and Gaynor, utilizing one of the methods here outlined.

DESTROYER CHAUNCEY TESTED. New Boat Did More Than Was Required in Trial of Her Screw.

ANNAPOLIS, Md., Aug. 13.-The torpedo boat destroyer Chauncey, built by the Neafie, & Levy Shipbuilding Company of Philadelphia, ran a successful official standardization trial screw test over the Barren I-land course in Chesapeake Bay to-day. The contract requirements are that the beat shall turn her propellers at speeds varying from 22 to 27 knots for two consecutive hours. The average speed maintained during the test was 27 knots. The maximum speed developed was 28 knots. Yesterday the Chauncey had her builders' est in which she made an average speed of over 26 knots. To-morrow the official speed trial will take place.

There Is More Fun in THE SUN than in all the "comics" combined.

THE FIGHT AGAINST ATTERBURY. Started to Please Woodruff and Dady, It

Will Make the District Hot. A bitter factional fight has been started HOLD THEM FOR EXTRADITION. for control of the Republican organization in the Seventeenth Assembly district in Brooklyn. This is a Republican stronghold and can generally be relied upon to poll

6,000 votes or more for the party candidates. Walter B. Atterbury, leader, broke with Lieut. Gov. Woodruff and Col. Michael J. QUEBRC. Aug 13 .- Judge Caron. in the Dady about two years ago, and at the pri-Superior Court, this morning, denied the maries last year, an effort was made to down Atterbury and put Councilman Adam

eich in his place, but it failed. Atterbury continued his warfare on Woodruff and Dady and the latter determined to make another attempt at the coming primaries to unhorse him. The movement took definite shape directly after Mr. Woodruff's return from Europe, and Alderman John Wirth, hitherto one of Mr. Atterbury's lieutenants, has undertaken mission of ending Mr. Atterbury's political career, so far as the Seventeenth Assembly district is concerned. The Wirthites have

ganized a working committee of fifty. Although there are indications that the Attending there are indicatens that the Attending there are weakening in spots, Mr. Atterbury has still a host of faithful supporters and if the hostilities are continued there is sure to be the hottest sort of a fight at the primaries. If Atterbury wins he will prove himself a much more supported with the contraction of the supported to the contraction of the supported to the support of the supported to the support of the supported to the support of t resourceful politician than is generally

upposed.

His defeat would prove a great gratification to Mr. Woodruff who is extremely anxious to be the spokesman of a solid delegation from Kings county in the State

ention, ne Schieren-Brooks reformers, whose aim is to put the present managers out of business, will be heard from at the pri-maries in this as well as in other Assem-bly districts. It had been supposed all along that they were to make an alliance with the Atterbury forces, but they have finally determined to put up a ticket of

JUSTICE DICKEY DECLINES. His Court Will Investigate in This Instance Through a Referee.

Supreme Court Justice Dickey emphati cally declined yesterday an invitation to visit the Fort Lowery Hotel at Bath Beach which are said to emanate from a structure there where the hotel people, as it is alleged, store their garbage. The Justice declared that he did not want to "go round and smell garbage," but he announced the reference of the matter to one who must file a report.

Mrs. Josephine Ketcham, a property owner near the hotel, recently obtained a permanent injunction against Mrs. M. A. Lowery, who since has become Mrs. Alfred Richardson. It was alleged by Mrs. Ketcham's lawyer that the other woman had violated the court order and her pun-ishment for contempt was asked of Justice The lawyer thought that a fine f \$250 and costs of the action would about

The defendant's plea was that there was no garbage kept in the place complained of and that only cans were washed there. The Justice asked why, if there was no odor, the work was not done near the defendant's own house.

rendant's own house.

"Garbage is garbage," he observed, "refine it as much as you please. I never saw it refined. The court order must be respected to the extent of all it means."

GEN. JACOB H. SMITH ILL. Author of "Kill and Burn" Order Suffering

From Fever and Nervous Collapse. PORTSMOUTH, Ohio, Aug. 13.-Gen. Jacob H. Smith collapsed suddenly last night and to-night lies at the home of his brotherin-law, Judge J. V. Bannon, in a critical ondition. The General has been in ill health since before the court-martial proceedings were instituted. He hoped the restore his health, but in his weakened condition the severe nervous strain of ubsequent events has proved too much. He had been putting off the work of beginning his report to the War Department upon his campaign in Samar, hoping to feel stronger before undertaking the task.

This has also been a severe strain. e General has a high fever, a type malaria frequent among our troops in Samar. He is in a highly nervous state and attending physicians say his condition is indeed critical. His mother and is wife are with him constantly. dition to-night shows no improvement Judge Bannon said to-night that Gen. smith would contest the action of Presiient Roosevelt in increasing the sentence of the court-martial for the "Kill and burn

RESIGNATION OF LEWIS NIXON Gives Up Crescent Presidency to Have

More Time for U. S. Company Affairs. ELIZABETH, N. J., Aug. 13. - Lewis Nixon announced to-day that he had resigned as president of the Crescent Ship Building Company, and that he would devote his time to the New York office of the United States Ship Building Company, which has absorbed the Crescent yards and the S. L. Moore Sons Company of Elizabeth, whose plant is located just opposite the ship yards. Air. Nixon said that he would devote considerable time to the Crescent yards and would often be there, but that the United States Ship Building Company thought it wise for him to have more time the outside and to be relieved of som f the arduous work at the yards.

Mason S. Chace has been chosen president of the Crescent Ship Building Company.
Douglas G. Moore of the S. L. Moore
Sons Company was elected vice-president
and H. N. Worts secretary and treasurer.
The affairs of the company, Mr. Nixon said, would be run very much as before his resignation, except that economies resulting from the combination of the Moore company and the Crescent com-Moore company and the Crescent com-pany would at once be taken advantage of. Mr. Nixon said that he could be found at the office of the United States Ship Building Company, 18 William street, New York. A contract, he said, was closed, to-day for the building of the second largest car float in the United States. It is to be 350 feet long.

ASPHALT LITIGATION.

Action Deferred in Newark in Builitt's

Proceedings Against the Trust. Application was made to United States District Judge Kirkpatrick at Newark yesterday for an order directing John M. Mack and Henry Tatnall, receivers of the Asphalt Trust, and others, to appear in court and give testimony regarding the conversion of the bonds of the Asphait Company of America. Judge Kirkpatrick denied the motion, which was presented by John Douglass Brown, Jr., in the interest of William C. Bullitt of Philadelphia. It was in the form of a writ to show cause why legal processes should not proceed to de-termine the liability of the stockholders of the Asphalt Company of America for assessments on their stock amounting to \$24,000,000. The suit was entered at Tren-ton by Mr. Brown on Tuesday.

In denying the application for the order, the Judge said that he would not sign it until all parties to the suit were brought before him by proper notice. He told Mr. Brown to serve the notices as soon as possible to the suit were brought before him by proper notice. sible and fixed Aug. 26 for a renewal of the application

Notes From Wall Street.

The application to list the 2,310,000,00 rubles Russian Government bonds on the New York Stock Exchange was made jointly Morgan & Co , August Belmont & Co. Baring, Magoun & Co. and the National City Bank.

The stocks of the United Boxboard and Paper Company appeared for the first time in the Broad street curb market yesterday The common sold at 15% and the preferred at 8845.

at 69%.
A reduction in the prices for copper wire were from 12% to 11% cents a pound has been amounced.

DELYING INTO HOLD-UP SUITS

PETER POWER INQUIRY TAKES IN A LOT OF OTHER CASES.

Walter Content Asked About Metropolitan Securities, Bay State Gas, Great Northern and American Tobacco - Dentes That Bourke Cockran Was Concerned With Firm's Litigations.

The proceedings yesterday in the Peter Power suit against the Northern Pacific Railroad Company were devoted to the examination of Walter Content, junior member of H. Content & Co., bankers and brokers at 50 Broadway, and W. Terhune, bookkeeper of the firm. Mr. Content, in response to questions from W. D. Guthrie, attorney for the railroad, declared that he had never met and knew nothing of Peter Power. Nor did he know anything of Power's litigation save what he had read in the papers. His firm had never paid any money to Power.

But Mr. Content knew Camille Weidenfeld, who is a customer of H. Content & Co. Also, he knew Capt. Henry Stern, to whom Weidenfeld paid \$8,000 that he contributed to the expenses of the Power suit. Stern is a mining engineer, and has deskroom in H. Content & Co.'s offices. W. Content admitted having paid \$2,400 in one sum to Stern from Weidenfeld's account, but that was all. He knew nothing of the purposes for which the money was intended. Content also knew George A. Lamb, Peter Power's lawyer, who often visited Content & Co.'s offices, but he was quite ignorant of Lamb's business there. The witness declared that he had never spoken with either [Lamb, Weidenfeld

or Stern about the Power suit. Questioned as to the certificate for 100 shares of N. P. common, which was bought by Weidenfeld and is described by him as his property, but which Lamb has declared Weidenfeld assigned to Peter Power so as to qualify him as a stockholder, Content said that his firm had bought the stock and take a whiff of the unsavory odors for Weidenfeld. He would not say from whom it was purchased, and he denied knowing why it was bought by Weidenfeld, save as an ordinary business trans-

Both Mr. Lamb and Mr. Guthrie then prodded the witness with questions concerning the 'hold-up' litigation carried on Content & Co. against big corpora-It came out that the firm posed as plaintiffs against the Metropolitan Street Railway in a suit to prevent the Interurban deal, and in another against the Bay State deal, and in another against the bay state
Gas Company. Content & Co. held some
stock in these companies, said the witness,
and in the American Tobacco Company,
against which a "hold-up" suit was brought.
Content admitted that Weldenfeld had an interest in the suit against the Metropolitan Street Railway Company, but denied that Bourke Ceckran was concerned in any

tigation the firm had begun.
The connection between Content & Co. and E. I. Chapman, who brought suit in his wife's name against the Great Northern road, was not satisfactorily unravelled The witness denied that his firm had any thing to do with the Chapman suit, but said they had loaned Chapman \$19.100. The money was loaned on 100 shares of Great Northern on Jan. 16 last. The stock was then selling at 191-192. Weidenfeld, the witness said, had not recommended Chap-man to them and he could not remember

The 100 shares of stock were in Mrs Chapman's name and was the holding which qualified her to bring suit. Mr. Guthrie asked Content if it was the habit of the firm to lend the full market value on stock without margin or outside guarantee. He answered that they often did, but could not name another instance. He denied knowing either F. Marquand or Mr. Bowden, ocean voyage from the Philippines would two other men who have figured in suits similar to Power's.

Content agreed to have sworn copies made

of all entries in the firm's books relating to transactions with Weidenfeld, Stern and Chapman and to produce them to-day P. Terhune, the bookkeeper, failed to throw any light on these transactions and To-day Henry Stern will be put on the

MONTREAL, Aug. 13.—Peter Power is still in the city and at the Queen's Hotel. Yesterday he and his wife went to Ottawa on a pleasure trip and on their return he evening they were met by Mr. the evening, they were met by Mr. B. McLennen, K. C., who represents Mr. Lamb, and were taken by him to his residence, returning to the hotel later. Pinkerton detectives are watching Power's move-

Counsel for Power say that arrangements have been made by which he will return to New York, and that there is a likelihood of a compromise being reached in the case

REAGAN WITNESS ATTACKED. The Deputy Commissioner Calls Ravinsky

a "Stool Pigeon." The trial of Stephen J. Reagan, Police Captain Herlihy's former wardman, was resumed before Deputy Commissioner Thurston at Headquarters yesterday. Reagan is charged with neglect of duty and with conveying to Herlihy certain questions asked of him by District Attorney Jerome while Herlihy was on trial.

Lawyer Wahle, the counsel for the acused, had attacked the witnesses put on during the last few weeks by the prosecution on the ground that they were disorderly characters. Then he called as star witness for Reagan, Charles Ravinsky Ravinsky was called to knock out the testimony of "Irish" Narrins, although Narrins's testimony about bribery has already been thrown out.

Ravinsky said that Narrins came around suddenly with good clothes, which he said the Committee of 15 paid for in return for certain information about Reagan, witness told Reagan about this, he and at Reagan's request he went before the Committee of 15 in order to find out what East Side boys were giving informa-tion. He found out and told Reagan, he

you know what a stool pigeon is?"

asked Mr. Thurston.
No. I don't.
"Never heard of one?"

Well. I ain't one. don't know what a stool pigeon is?"
"I just know I ain't one." went to the Committee of 15 as a "You went to the Committee of 15 as a spy to find out what you could for Reagan

"Yes."
"Well, then, you're a stool pigeon."
Reagan went on the stand himself and testified that all he said to Capt. Herlihy and his lawyer was to ask advice as to whether or not he should answer. The case was trict Attorney's questions. The case was adjourned until next Wednesday

Fund All In.

CHICAGO, Aug. 13 .- Illinois' share of the McKinley National Monument fund, \$50,000 is all in. In fact, the contributions from this State exceed its allotment \$128. Alexthis State exceed his allotment \$125. Alexander H. Revel, chairman of the State Commission, says that Illinois' share represents over 50,000 contributors, exclusive of the school children, who will probably make the total number over 100,000.

No Foreigners Can Make Haffen's Street Signs.

Specifications for \$15,000 worth of street corner signs to be put up in The Bronx have been prepared and bids will be advertised soon. Borough President Haffen said yesterday that none of the contracts would go to a "foreign-born" corporation.

President Cantor gave a contract last week
for enamel signs to the Imperial Enamel
Company, an English concern.

VAIN WORK OF A FORGER. Offered Many Checks, Got Good Ones in

Change, but Won Nothing. A young man stole a small check made out by James E. Murray, a plumber, and a blank check book of the Hudson County National Bank from Murray's office at 34 Grove street, Jersey City, a few days ago Then he went to a quiet spot, filled in several checks, forging Mr. Murray's name to all of them.

Later this stranger bought a horse and carriage from George Williamson at 483 Grove street and gave him a check for \$465 receiving in change Mr. Williamson's check for \$158. He next picked out a \$50 watch and chain in Samuel Krole's jewelry store at 177 Pavonia avenue and presented Mr. Williamson's check.

While Krole went around to Williamson's to see if the check was all right the stranger disappeared. He was traced to the piano store of Winteroth & Co., where he offered a \$500 check, bearing Murray's name, in payment for a piano. The check was refused, but was later accepted at Mathushek & Son's piano store, where the man received a check for \$150 as change.

Payment on the checks was stopped and the forger simply wasted his time and his energy. The police are looking for him.

SUIT OVER A LOAN.

Many Defendants in Proceedings Begun by the Metropolitan Life.

The Metropolitan Life Insurance Company has commenced suit against Frederick C. Cocheu and his wife, Josephine Cocheu Micha I J. Coffey, Patrick H. Flynn, John McCarty, the Franz Body Manufacturing Company, the Standard Oil Company the New York and Brooklyn Casket Company, and Joseph W. Adams, to foreclose a BARRICADES ERECTED TO KEEP mortgage for \$200,000 on property in Seventy-third, Seventy-fourth and Seventy fifth streets and Third, Fourth and Fifth avenues, South Brooklyn. The defendants ecmprise a real estate syndicate.

The Cocheus obtained the mortgage loan on July 20, 1900, at 6 per cent, interest, payable semiannually. The other parties named in the suit furnished the collateral. There was \$6,000 interest due on the mort-gage on June 1, 1902, and as the mortgage stipulated that in case of default in pay-ment of interest for a period of thirty days the principal should become due and payable immediately, although the time limit was fixed to be June 1, 1903, the company has begun these proceedings.

It is stated that the trouble will be ad-

KILLED LEANING FROM HIS CAR. Conductor Murphy Struck by a Car Going in the Other Direction.

justed in a few days and the suit or dropped

Edward P. Murphy of 416 East Seventy third street, a conductor of an Amsterdan avenue car, was instantly killed early yesterday morning by a northbound car at Eightieth street and Amsterdam avenue Murphy, according to the police, was making his return trip from Ninety-sixth street down Amsterdam avenue, when the accident occurred. He had rung up the fares of several passengers, and as the car passed Eightieth street, he leaned out of the left side of the car in the direction of the uptown track and attempted to turn the

When the motorman of the northbound when the motorman of the northbound car saw Murphy leaning out the windows, it is said, he shouted to him to get into the car. Murphy did not seem to hear the shouts, and before the northbound car could be stopped, it struck him on the back of the head and hurled him to the tracks. Murphy was dead before any one could reach him.

The conductor and motorman of the

northbound car were arrested.

FIVE MEN MISSING.

Strange Disappearance of Well-Known Men From Buffalo.

BUFFALO, N. Y., Aug. 13 .-- Within the past week five men have disappeared from this city, and, despite the efforts of the police to locate them, no trace of them has seen found. They are Perry Chase, a well known society man, who was connected with the Chicago House Wrecking Company, the concern that is wrecking the Pan-American buildings: William Lowry, one of the managers of a food company; William Metzinger, a William street grocer; William Sullivan, a factory hand, who lives on Pratt street; and Louis Saunders, a carpenter, living on Dewitt street. In none the cases has a single good reason been advanced why the men should have disap-peared. With the exception of Saunders and Sullivan the men were well to do.

THEY FOUND THE GAS LEAK Two Clerks Burned by an Explosion in Vault of the Newark Post Office.

A gas leak in one of the vaults under the Newark Post Office was discovered at noon yesterday by two clerks, James B Murphy of 66 Brunswick street and Walter S. Klein of 596 Hunterdon street. Murphy struck a match to light the gas jet in the vault. The clerks were blown toward the

vault. The clerks were blown toward the door of the vault and knocked down.

They put their arms across their faces, protecting their eyes. Murphy lost his beard and was badly scorched about the arms, face and neck. Klein also was badly singed. Both were able to walk to the ambulance which took them to St. Michael's Heavital. the ambulance which took them to St. Michael's Hospital. They are not mortally injured.

Cheap Jewelry in False Bottom of Trunk Salvatore Crinze, a Chicago jeweller, was arrested vesterday on a charge of smuggling after he had landed from the Italian liner Nord America, at Thirtyfourth street and North River. In a false bottom in his trunk was a lot of cheap jewelry. Crinze said it had been made in Chicago, that he had taken it abroad to sell and that he had brought it back unsold. The customs appraisers say the goods are Italian and worth about \$800. I. Castagnetta, jeweller at 20 Maiden lane, said that Crinze's story was true. The prisoner was held by Commissioner Shields in \$2,500 bail for examination.

Had Her Lawyer Boarder Arrested.

William H. Daigneault, who said he was a lawyer employed in the offices of Weeks. Battle and Marshall, was a prisoner in Jefferson Market police court yesterday His landlady, Mrs. Eliza Roache of 45 West Twenty-seventh street, told the Magistrate that she had been compelled to call in a policeman to acrest Daigneault on Tuesday night because of the racket he made in her house. Daigneault said that Mrs Roache was unlawfully retaining his leather suit case. He asked that the case he postponed until to-day so that he might produce wit-

WILMINGTON, Del., Aug. 13.-The Mercantile Trust company of New York this morning filed with the Recorder of Deeds, this city, a \$16,000,000 mortgage bond of the United States Shipbuilding Company which was recently incorporated under the laws of New Jersey and which consolidates seven of the leading shipbuilding plants of the United States, including the Harlan & Hollingsworth Company of this city. The Mercantile Trust Company is the trustee of the new concern and Lewis Nixon of

Frank O. Loudin Buys a Vacht.

SYBACUSE, Aug. 13 .- Frank Orrin Loudin, son-in-law of the late George M. Pullman of Chicago, to-day bought from Lyman C. Smith his yacht Venice. It will be taken to the St. Lawrence River. It is feet long and has a record of 201/2 miles



Hello, boys!! Suits for 600 of you are marked \$3, to-day.

Knockabout suits, unlined coats and baggy preeches; sizes 9 to 14; were \$6 to \$10. Double breasted Jacket and knee trousers suits

izes 7 to 15, were \$5 to \$9. Single breasted suits with knee trousers and vests; sizes 10 to 16; were \$6 to \$9.50. All these of light and dark mixtures, in stripes and plaids.

Satlor blouse suits of serges and mixtures; sizes 3 to 6 years, were \$4.50 to \$7.

All \$3. ROGERS, PEET & COMPANY.

opposite City Hall. 842 Broadway, cor. 13th, and 140 to 148 4th Ave.

1260 Broadwa

TO PROTECT COAL MINERS.

Fear of More Trouble When Work Is Resumed - Miners to Be Kept Within Stockades for Safety-Troops Recalled From Shenandoah Station.

OUT RIOTOUS STRIKERS.

WILKES-BARRE, Pa., Aug. 13.-Barbed vire barricades are being erected and Coal and Iron guards collected at the Warnke colliery at Duryea, which the owners are determined to operate despite the efforts of the strikers to prevent them. This morning a crowd of the strikers picketed the place, but did not interfere with the men bui, ing the fence, who were under the guard of a force of armed policemen. No workers were taken to the washery, but flay await the word to report. Sheriff Jacobs fears there will be trouble there

when work is resumed. Arrangements are being pushed at the Pettebone and Woodward collieries of the Delaware, Lackawanna and Western company for the resumption of work this week, and men are being quietly gathered. Such is the temper of the strikers that these men will have to be kept within the stockade and not allowed within reach of the strikers Last night seven strikers were arrested and held under bail for riot, and warrants are out for forty more who are charged with interfering with workers. The committee of the People's Alliance The committee of the People's Amanco which is to see Senators Quay and Penrose next Monday and ask that they try to effect a settlement of the strike by arbitration has no plan by which this might be done. has no plan by which this might be done. It is proposed, however, to ask StateAttor-ney-General Elkin if the coal-carrying companies cannot be attacked through the interstate law for combination of railroad interstate law for combination of railroad company and mining company business.

President Mitchell to-day received a brief but spirited reply to a letter he sent on Monday to Father O'Reilly of Shenandoah. He declared the priest's attacks upon the union and its officers in his sermons of the last two Sundays were unjust and harp and the personal stacks upon

and harsh and the personal attacks upon the officers undeserved. The reply which came to-day stated that Father O'Reilly did not know Mr. Mitchell and did not recognize his right to criticise his sermons.

Mitchell to-night sent the correspondence
to a Shenandoah paper asking that it be published in full there to-morrow evening He did not desire to make it public here he said, because the sermons were not

The mine workers' locals of this city o-day passed resolutions declaring Father O'Reilly's sermons "scurrilous misrepre entations.

SHENANDOAH, Pa., Aug. 13.—Owing to a feeling that there will be no trouble until miners began to return to work, which they have at this time no apparent intention of doing, Gen. Gobin, who returned last night from a brief visit to Lebanon, recalled to camp this morning the patrols of troo from the Pennsylvania Railroad station. The General said everything was very quiet in the district. He had received no call from the Scranton region for troops.

Strikers here are not talking much. They think the strike will soon be over. Strike leaders are travelling through the country informing strikers that the tie-up is about to end and that it is of great importance

POTTSVILLE, Aug. 13.—An important conference of representatives of the principal coal interests of the anthracite region was held here this afternoon with a view to taking concerted action to secure a resumption of work at the mines. The men at the conference were George F. Baer, presi-dent of the Philadelphia and Reading sysdent of the Philadelphia and Reading sys-tem; R. C. Luther, general superintendent of the Philadelphia and Reading Coal and Iron Company; J. H. Loomis, general land agent for the Philadelphia and Reading Coal and Iron Company; S. D. Warringer, general superintendent of the Lehigh Valley Coal Company; C. C. Rose, general superin-tendent of the Delaware and Hudson Canal tendent of the Delaware and Hudson Canal Company; S. B. Thorn, general manager of the Coal Department of the Temple Iron Company; Capt. W. A. May, superintendent of the Delaware and Hudson Coal Com-pany; W. J. Richards, general manager of the Lehigh and Wilkes-Barre Coal Com-pany; W. D. Zehner, general superintendent of the Lehigh Coal and Navigation Company of the Lehigh Coal and Navigation Company

COAL SCARCE IN WASHINGTON. inless the Strike Is Ended the Supply Will Be Exhausted in Two Weeks.

WASHINGTON, Aug. 13. Unless the coal strike is settled within the next two weeks and the mines immediately opened up, there will be a coal famine in Washington before the middle of September. This statement was made to-day on the authority of a member of the Washington Coal Dealers, Association and does not mean simply that the price of coal will be advanced, but that coal cannot then be bought at any In fact, unless the conditions preva ent in Washington are immediately relieved, the price of coal will go to \$150 a ton and even higher before the 25th of the present

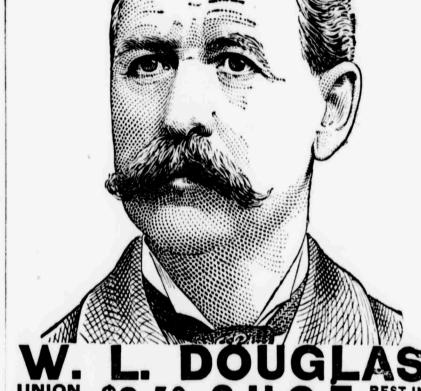
It was believed by the public that there was an ample quantity of anthracite and bituminous coal on hand to supply an needs for several months. It was learned day, however, that by an agreement the Coal Dealers' Association the price of coal in Washington has been maintained at \$6.75 a ton, despite the great scarcity. The only coal sold in Washington for the past two months has been for immediate consumption, and all the local dealers have steadfastly refused to furnish coal for use this winter, even when, as in many cases, double the price has been offered.

JOTTINGS ABOUT TOWN.

Plans have been filed with the Building Bureau for improvements costing \$30,000 to that part of the new Windsor Areade at Fifth avenue and Forty, seventh street owned by Ehridge T. Gerry and occupied by the Windsor Trust Company. New safe deposit vauits are to be constructed, two new steel freproof floors to be built and an elevator put in.

put in.

Deputy Sheriff Wallace has received three attachments aggregating \$5,000 from Albany county against the American Ice Company in favor of Daniel C. McIlwain as trustee in bankruptcy of Emmett F. Slade of Cohoes on claims for cutting ice for the Consolidated Ice Company several years ago. The Sheriff was informed that the American Ice Company would bond the attachments and fight the case in court.



W. L. Douglas made and sold more men's Goodyear Welt (Hand-Sewed Process) shoes in the first six months of 1902 than any other manufacturer in the \$10,000 REWARD will be paid to any one who can disprove this statement.

W. L. Douglas \$3.50 shoes are worn by more men in all stations of life than a yether make, because they are the only \$3.50 shoes that in every way equal those costing \$5.00 and \$6.00. They are the standard of the world. These are the reasons W. L. Douglas makes and sells more men's \$3.50 shoes than any other manufacturer in the world. 1889, Total Sales | \$1,100,820.00

Best imported and American leathers, | Heyl's Pat. Calf, Enamel, Box Calf, Calf, Corona Colt, Vici Kid, National Kangaroo. BOYS' SHOES, \$2; YOUTHS', \$1.78. NEW_YORK STORES: | 1849 Broadway. 29 Broadway. 3 Cortlandt Street.

Melnnes and Goodman Think McCall Mis-

represents the Aldermen.

433 Broadway. 753-755 Broadway.

Shoes by mail, 25 cts, extra. Catalog free, W. L. DOUGLAS, Brockton, Mass. 95 Nasson Street. 494 Fifth Arenu: BROOKLYN JERSEY CITY W. L. DOUG 95 Nassau Street. BROOKLYN 7084710 Broadway. 1367 Broadway. 421 Fulton Street. 2002 Third Ave. 201 West 125th Street. 974 Third Avenue. 845 Eighth Avenue.

TUNNEL FRANCHISE OUTLOOK. WILL HEAR POLICEMEN'S SIDE

Vice-President McInnes of the Aldermen intimated vesterday that Alderman John A. McCall didn't know what he was talking about if he had said that the Pennsylvania tunnel franchise would be de feated again when it came before the Board Mr. McCall was quoted by a newspaper as saying that a canvass he had made of the Aldermen had shown that forty-five

of them were irrevocably opposed to the grant of the franchise. As to this Mr. McInnes said: "I think Alderman McCall is mistaken. I believe that the franchise will be approved If the objection raised by some of the Aldermen when the franchise came up had been met in a minority report of the Railroad Committee I think many of the members would undoubtedly have voted differently. The objections of President Cantor, which were not answered at the time, also in-fluenced the voting. All the contentions made by the opponents to the franchise will be threshed out when the question comes before us again, and I think, beyond question, that the franchise will be granted."

Alderman Goodman also asserted that thinks he has forty-five votes against it

JULY BAGGAGE DUTIES \$68,339.

Less Than in the Same Month Last Year This comparative statement of the duties collected on passengers' baggage at the port of New York during July was given out at the office of Collector Stranahan

vesterday: Public Stores 1,250.61 8,483.25 Porwarded to other ports 2,020.00 16,500.00 Total 1,000.00 19

It was said that the apparent falling off in collections on the piers is explained by the growing practice of sending baggage in bond to ports of destination, to be there examined and duty collected, rather than to a change of regulations or practice on

the piers.

Between noon on Monday and 3 P. M. on
Tuesday there were passed at the Appraiser's Stores twenty-eight packages of imported diamonds, value \$800,000. "An unusual importation of diamonds," was Collector Stranahan called this yesterday.

Dime Museum Lecturer Missing.

The police have been notified that Hudon Langdon the "professor" at Huber's Museum, whose duty it is to describe the freaks, has been missing since 5 o'clock on Tuesday afternoon. He left the museum at that time to go to his home at 323
East Sixteenth street. He has not been
seen since. He has been connected with
Huber's for twelve years and is well known by sight on the East Side. His wife and daughter said last night that while they do not believe that he has committed suicide yet he has recently been in ill health and has been morose.

Damage to Torpedo Beat Bagley.

NEWPORT, Aug. 13 .- The propeller of the orpedo boat Bagley which grounded or Monday night in the fog, was taken off to day. One of the blades had been bent out of shape. To-morrow the fleet of tor-pede boats will sail to join the NorthAtlantic squadron for a week's drill, after which they will return to Newport for the manœuvre

ol clear weather rested yesterday over the Middle Atlantic and New England States, where the tem-perature was 6 to 18 degrees lower. The mer ry fell to 6 degrees above the freezing point a

Northfield, Vt.

The low pressure, which was over Minnesota and the Dakotas, moved south and was central over Nebraska, with an apparent loss of energy. It was attended by light to brisk winds in the Central States and showers in Nebraska, Minnesota Wisconsin, northern Illinois and Michigan and i scattered places around the great Lakes; otherwise the weather over the country was fair. It was generally warmer in the Central States and the Lake regions, and should be somewhat warmer

In this city the day was fair and continued coo wind fresh southwesterly; average humidity 54 per cent.; barometer, corrected to read to see level, at 8 A. M., 30.20; 3 P. M., 30.10. The temperature yesteriar, as recorded by the official thermometer, and also by THE SUN'S ther

nometer at the street seven is shown in the an WASHINGTON FORECAST FOR TO DAY AND TO MORROW For eastern New York, local rains to-day and

to morrow: light variable winds.
For the District of Columbia, eastern Penn sylvania, Delaware, Maryland, Virginia and New Jersey, local rains to-day and to morrow; light to fresh southeast winds. For New England, fair to day, local rains tomorrow: light variable winds;

For western Pennsylvania and western New

York, local rains to day and to morrow; light

18 Newark Avenue.

785 Broad Street.

COMMISSION WILL CONSIDER CHANGES IN HOURS OF WORK.

Partridge Invites the Men to Send in Plans for Revising the Present Two-Platoon System - Scheme for Four Platoons With Extra Night Force Proposed.

Commissioner Partridge yesterday indicated a willingness to listen to arguments in favor of a change from the two-platoon to the three-platoon system. The Commissioner after a conference with his fellow members of the commission appointed by the Mayor, Eugene A. Philbin and Gen. Avery D Andrews, sent out from Police Headquarters yesterday to every police station a notice which refers to the appointment of the Mayor's commission and addst

ment of the Mayor's commission and adds:

The commission will meet in the trial Room at 3:30 P. M. on Wednesday, Aug. 20, at which time they will be glad to have any member of the department submit in writing any proposed arrangement of the teurs of duty which he believes will secure to the city protection equal to that which it now has, without increased expense and with greater convenience and comfort to the members of the force. Such propositions should be made clearly and distinctly, so as to be readily comprehended, and should contemplate giving to the city, day and night, as good protection as it is receiving at present. These written suggestions may be supplements if desired.

The commanding officers of precincts are authorized to give permission to mem-

The commanding officers of precincts are authorized to give permission to members of their command to attend the above hearing, not exceeding one officer to each Since the agitation in favor of the return to the three-platoon system began, a dozen systems of tours of police duty have been submitted to Commissioner Partridge. All

these will be looked over by the commission. A great many of the patrolmen, while they prefer the three to the two-platcon system, think that an even better system might be adopted. One of the compla about the three-platoon system that t make is that if a man gets stuck on the night platoon during the winter me doesn't get a chance to work out of until the winter is practically over. It takes about two months, under the Murphy three-platoon system, for a man to

from one platoon to another. The men believe that changes should come quicker believe that changes should come quicker during the winter.

A great many of the members of the Patrolmen's Benevolent Association, which will probably determine what system is pushed before the Mayor's commission are said to favor a four-platoon system, the invention of one of their members. This system assumes that there are on an average 100 policemen to a precinct and that in the 100 policemen to a precinct and that in ordinary precinct twenty-five men on post at once is enough. The plan have three platoons of twenty-five for street duty and a fourth platoon for night duty, making a total of fifty men

STOLE MR. JESUP'S OAKS. His Agent Causes the Arrest of a Sewer

Contractor's Workman.

the street from 10 or 11 o'clock until

clock in the morning.

Robert Wright, a negro laborer, was arraigned in the Tombs police court yesterday charged with the "larceny of one oak tree valued at \$10" from Morris K. Jesup, president of the Chamber of Commerce. Wright is employed by W. E. Welch, a contractor who is building a sewer in Macomb's Dam road in The Bronx. Nearby is a wooded tract of several acres owned by Mr. Jesup. Early in June Jesse C. Bennett, Mr. Jesup's agent, discovered that fourteen trees had been cut down and their trunks taken away. He found twenty-nine freship cut oak logs piled up by the sewer excavation. Bennet set a man to watch the property and as a result the negro was arrested. A lawyer was in court yesterday to look out for the negro's interests and at his request the

HEROIC DOSE OF REPLEVIN. City Marshal Alleged to Have Taken \$20.

earing was adjourned and the prisoner

000 Worth of Goods for a \$1,000 Debt. A petition in involuntary bankruptor was filed yesterday against Morris and Alexander R. Goldstein (M. Goldstein & Co.), manufacturers of clothing at 21 West Houston street, by Blumens iel & Blumenstiel, for creditors. It is allege that a City Marshal carried off \$20,000 worth of stock on two writs of replevin for less than \$1,000. The liabilities are about

Arrested for the Murder of an Italian. Luigi La Grippo, an Italian coal vender was arrested by Detective Sergeant Petro sino at Ninety-seventh street and Th avenue last night for the murder of Antonio Avvocato on May 30 last. Avvocato lived at 319 East 115th street and he and La Grippo had been playing "bocci," an handball game, in front of the They quarrelled, both men drew and Avvocato was disemboweled.